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FILED

JAN 06 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH PATINO,

Defendant.

No. CR 10-00551-HRL

STIPULATION AND ORDER CONTINUING HEARING AND EXCLUDING TIME FROM JANUARY 19, 2011 TO JANUARY 20, 2011 FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(7)(A))

Currently, the parties are scheduled to appear before this Court on January 19, 2011. The parties agree and stipulate that the court appearance currently scheduled for January 19 should be continued to January 20, 2011. This continuance is necessary to allow for additional time for the defense counsel to effectively prepare and advise her client. The government and defense request an exclusion of time under the Speedy Trial Act based upon the above-stated reasons. Furthermore, with advice from the Court, the parties request that this matter be set at 1:30PM on January 20, 2011.

The parties stipulate that the time between January 19, 2011 and January 20, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the

1 requested continuance would unreasonably deny defense counsel reasonable time necessary for
2 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
3 that the ends of justice served by granting the requested continuance outweigh the best interest of
4 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
5 U.S.C. §3161(h)(7)(A).

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7 DATED: January 6, 2011

MELINDA HAAG
United States Attorney

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9 /s/
10 JEFFREY B. SCHENK
Assistant United States Attorney

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13 LARA VINNARD
Attorney for Defendant

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 19, 2011 and January 20, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(7)(A).

IT IS SO ORDERED.

DATED: 1/6/11



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE